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16 **UNITED STATES DISTRICT COURT**

17 **NORTHERN DISTRICT OF CALIFORNIA**

18 **SAN FRANCISCO DIVISION**

19 JAMES GROSS, individually and on behalf of
20 all others similarly situated,

Case No. 3:12-cv-00154-CRB

21 *Plaintiff,*

**STIPULATION AND [PROPOSED] ORDER
TO CONTINUE CASE MANAGEMENT
CONFERENCE AND HEARING ON
MOTION TO DISMISS**

22 *v.*

Date: December 14, 2012
Time: 10:00 a.m.
Judge: Hon. Charles R. Breyer

23 SYMANTEC CORPORATION, a Delaware
corporation, and PC TOOLS, LTD., an Irish
limited company,

24 *Defendants.*

1 Plaintiff James Gross and Defendant Symantec Corporation (collectively, the "Parties"), by
 2 and through their undersigned counsel, hereby stipulate and agree, subject to Court approval, to
 3 continue the case management conference and hearing on Symantec's pending motion to dismiss
 4 currently set for December 14, 2012 at 10:00 a.m. to February 5, 2013 at 10:00 a.m. (or such other
 5 date and time as the Court may set), so that they may focus their time and other resources on
 6 finalizing a class action settlement of this matter, which they will ultimately present to the Court
 7 for approval. In support of the instant stipulation, the Parties state as follows:

8 **WHEREAS**, by stipulation of the Parties, the Court has set the hearing on Symantec's
 9 motion and an initial case management conference in this matter for December 14, 2012 at 10:00
 10 a.m., (Dkt. No. 56);

11 **WHEREAS**, on November 12, 2012, the Parties participated in an all-day mediation
 12 session before John B. Bates, Jr. of JAMS in San Francisco, California, and are now in the process
 13 of finalizing a class action settlement of this matter;

14 **WHEREAS**, in an effort to reduce the expenditure of time and other resources by the
 15 Parties and the Court, and to focus on finalizing their settlement, the Parties have conferred and
 16 agreed, subject to Court approval, that the case management conference and motion hearing
 17 currently set for December 14th should be continued to February 5, 2013; and

18 **WHEREAS**, good cause exists to continue the case management conference and motion
 19 hearing, and the Parties do not seek the relief contemplated herein for any improper purpose,

20 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED** as follows:

21 1. The hearing on Symantec's motion to dismiss and the case management conference
 22 currently set for December 14, 2012 at 10:00 a.m. shall be continued to February 5, 2013 at 10:00
 23 a.m. (or such other date and time as the Court may set).

24 **IT IS SO STIPULATED.**

JAMES GROSS, individually and on behalf of all others similarly situated,

Dated: December 7, 2012

By: /s/ Benjamin H. Richman
One of Plaintiff's Attorneys

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SYMANTEC CORPORATION,

Dated: December 7, 2012

By: /s/ Anthony J. Weibell
One of Defendant's Attorneys

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ORDER

Pursuant to stipulation and for good cause shown, **IT IS SO ORDERED:**

1. The hearing on Symantec's motion to dismiss and the case management conference currently set for December 14, 2012 at 10:00 a.m. shall be continued to February 15 (Friday) 2013 at 10:00 a.m.

DATED: December 11, 2012

